

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CHARLES H. ROBERTS, et al.,)
)
Plaintiff)
)
v.) No. 3:11-1127
) Judge Sharp/Bryant
) **Jury Demand**
DERRICK D. SCHOFIELD, et al.,)
)
Defendant)

O R D E R

Plaintiff Roberts and Mudock, prisoners proceeding *pro se*, have filed their motion to compel Steve Cantrell, identified as the chaplain at Morgan County Correctional Complex, to produce a complete list of all Jewish inmates within the custody of the Tennessee Department of Corrections, as well as those who are on probation or parole or who have discharged their sentences. Plaintiffs state that they seek this list of names in order to recruit such inmates as plaintiffs for a potential class action.

Plaintiffs' motion to compel lacks merit for at least three reasons. First, Local Rule 37.01, provides that any motion to compel discovery shall quote verbatim each interrogatory or request for production served upon adversary parties upon which the motion to compel is based. Plaintiffs' motion to compel fails to comply with this requirement and, in fact, fails to show that the information sought has been requested in discovery at all. For this reason, Plaintiffs' motion to compel must be denied. In addition, the record fails to show that Chaplain Steve Cantrell, from whom production of the subject list of names is requested, is a party to this action. Requests for production of documents pursuant to Rule

34 of the Federal Rules of Civil Procedure does not apply to nonparties. For this additional reason, Plaintiffs' motion to compel directed to Chaplain Steve Cantrell lacks merit and must be denied. Finally, the general rule is that a *pro se* prisoner may not bring a class action concerning conditions of confinement at a prison. *Dean v. Blanchard*, 865 F.2d 257, 1988 WL 130851 (6th Cir. Dec. 8, 1988) (unpublished) (citing *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975)).

For the foregoing reasons Plaintiffs' motion to compel (Docket Entry No. 124) is **DENIED**.

It is so **ORDERED**.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge